

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 3

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-14-94/LA

The Goa Municipalities (Amendment) Act, 1993 (Goa Act 13 of 1994) which has been passed by the Legislative Assembly of Goa on 25-5-1994 and assented to by the Governor of Goa on 30-5-1994, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 31st May, 1994.

The Goa Municipalities (Amendment) Act, 1993

(Goa Act 13 of 1994) [30-5-1994]

AN

ACT

further to amend the Goa, Daman and Diu Municipalities Act, 1969.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 and in any other section of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the 'principal Act'),—

(i) in the long and short title, the figure and words, “, Daman and Diu” wherever they occur, shall be omitted;

(ii) for the words “Union territory of Goa, Daman and Diu” or “Union Territory”, wherever they occur, the words “State of Goa” shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act, —

(i) after clause (5), the following shall be inserted, namely:—

“(5a) “Chairperson” and “Vice-Chairperson” means Chairperson and Vice-Chairperson of the Council as the case may be;”;

(ii) for clause (7), the following shall be substituted, namely:—

“(7) “Collector” means the Collector of North Goa District and that of South Goa District;”;

(iii) after clause (10), the following shall be inserted, namely:—

“(10a) “Development Committee” means the Development Committee constituted under section 322B;”;

(iv) after clause (11), the following shall be inserted, namely:—

“(11a) ‘District’ means a district in the State of Goa;”;

(v) clause (39) shall be omitted.

(vi) after clause (51), the following shall be inserted, namely:—

“(51a) “State” means the State of Goa;”;

(vii) clause (54) shall be omitted;

(viii) after clause (55), the following clause shall be inserted, namely:—

“(55a) “ward” means the territorial constituency of the municipal area;”.

4. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) in sub-section (3), for the words “Collector of District”, the word “Director” shall be substituted;

(ii) in sub-section (4), for the word “Collector”, the word “Director” shall be substituted.

5. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) in clause (b) or in any other section, for the word “President” wherever it occurs, the word “Chairperson” shall be substituted;

(ii) after clause (e), the following shall be inserted, namely:—

“(f) the Municipal Engineer.”

6. *Amendment of section 9.*— In section 9 of the principal Act,—

(i) for sub-section (1), the following shall be substituted, namely:—

“(1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections; and shall also include Councillors co-opted by the elected Councillors in the prescribed manner, from amongst persons who are entitled to vote at the municipal election and who,—

(i) have special knowledge and experience in municipal administration;

(ii) are members of the House of the People and the members of the Legislative Assembly of Goa representing the constituencies which comprise wholly or partly the municipal area concerned;

(iii) are members of the Council of States and are registered as electors within the municipal area:

Provided that the persons referred to in clause (i) shall not have the right to vote in the meetings of the Council.

Provided further that—

(i) in every Council, not less than one third seats shall be reserved for women;

(ii) in every Council, seats shall also be reserved for the Scheduled Castes and the Scheduled Tribes and for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes as provided in sub-section (2);

(iii) the total number of co-opted Councillors shall not exceed ten percent of the number of elected Councillors fixed under sub-section (2), and in determining such number, a fraction shall be ignored;

(ii) in sub-section (2),—

(a) in item (ii) of clause (a), for the words and figures “above 10,000”, the words and figures “above 15,000” shall be substituted;

(b) for clause (b), the following shall be substituted, namely:—

“(b) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a municipal area.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council.”

7. *Amendment of section 10.*— In sub-section (1) of section 10 of the principal Act, after the words and figure “in which seats are reserved for Scheduled Castes or Scheduled Tribes”, and before the words “having regard to the concentration of population”, the words and figure “including the seats for offices of Chairperson,” shall be inserted.

8. *Insertion of new section 10A.*— After section 10 of the principal Act, the following shall be inserted, namely:—

“10A. *Election to the Councils.*— The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Council shall be vested in the State Election Commission constituted under section 238 of the Goa Panchayat Raj Act, 1993.”

9. *Amendment of section 11.*— In section 11 of the principal Act,—

(i) in sub-section (1),—

(a) for the word “Director” wherever it occurs, the words “State Election Commission” shall be substituted;

(b) after the words “shall be divided”, the words “by such officers of the Council or the Government as may be designated by the Director in this behalf” shall be omitted;

(ii) in sub-section (3), for the word “Council”, the words “State Election Commission” shall be substituted.

10. *Amendment of section 15.*— In section 15 of the principal Act, for the words “twenty five”, the words “twenty one” shall be substituted.

11. *Amendment of section 16.*— In section 16 of the principal Act, in sub-section (1),—

(a) clause (a) shall be omitted;

(b) in clause (c), for the figures "46", the figures "47" shall be substituted;

(c) in clause (j), for the figures "145", the figures "147" shall be substituted;

(d) clause (l) shall be omitted;

12. *Amendment of section 17.* — In section 17 of the principal Act, —

(i) after the words "it shall be referred", the words "in such manner as may be prescribed" shall be inserted;

(ii) for the words "for decision", the words "who shall decide the question within six months from the date of its receipt by him" shall be substituted;

(iii) in the proviso, for the figure and words "7 days", the figure and words "30 days" shall be substituted.

13. *Amendment of section 19.* — In section 19 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) If, at a general election or bye-election, no councillor is elected from the ward, a fresh election shall be held to elect a councillor from that ward."

(ii) sub-section (2) shall be omitted.

14. *Amendment of section 20.* — In section 20 of the principal Act, —

(i) in sub-sections (1) and (4), for the word "Collector", wherever it occurs, the words "State Election Commission" shall be substituted;

(ii) in sub-section (2), for the word "Director", the words "State Election Commission" shall be substituted;

(iii) in sub-section (5), after the words "remaining ward or wards", the words "within a period of six months from the date of making of such choice" shall be inserted.

15. *Amendment of section 21.* — In section 21 of the principal Act, —

(i) in sub-section (1), for the word "Collector", the words "State Election Commission" shall be substituted;

(ii) sub-section (2) shall be omitted.

16. *Amendment of section 22.* — In section 22 of the principal Act, —

(i) in sub-section (1), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(ii) in sub-section (2), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(iii) in clause (e) of sub-section (3), —

(a) the words "or nomination" shall be omitted;

(b) the words "or nominated" shall be omitted;

(iv) in clause (d) of sub-section (4), —

(a) the words "or nominated" shall be omitted; and

(b) the words "or the Government who nominated the Councillor, as the case may be" shall be omitted.

17. *Amendment of section 35.* — In section 35 of the principal Act, for the word "Collector", the words "State Election Commission" shall be substituted.

18. *Amendment of section 36.* — In sub-section (1) of section 36 of the principal Act, for the word "Collector" wherever it occurs, the words "State Election Commission" shall be substituted.

19. *Amendment of section 42.* — In section 42 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) The Councillors elected at a general election, shall hold office for a term of five years."

(ii) in sub-section (2), the words "held to elect the President and the Vice-President under section 52" shall be omitted;

(iii) sub-section (6) shall be omitted;

20. *Amendment of section 43.* — For section 43 of the principal Act, the following shall be substituted, namely: —

"43. *Resignation of Councillors.* — A Councillor may resign his office in writing under his hand addressed to the Chairperson and his seat shall become vacant on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Chairperson."

21. *Amendment of section 46.* — In section 46 of the principal Act, —

(i) in sub-section (2), for the words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) for the word "Collector", the word "Director" shall be substituted;

(iii) in the Explanation, —

(a) for the figure and words, "co-opted or nominated" wherever they occur, the words "or co-opted" shall be substituted;

(b) for the figure and words "co-option or nomination", the words "or co-option" shall be substituted;

22. *Amendment of section 50.* — In sub-section (1) of section 50 of the principal Act, —

(i) for the figure and words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) the words "or nomination" wherever they occur, shall be omitted;

(iii) the words "or nominated" shall be omitted.

23. *Amendment of section 51.*—In sub-section (5) of section 51 of the principal Act,—

(i) for the figures "XXXIV", the figures "XXV" shall be substituted;

(ii) for figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(iii) the words and figures "V of 1898" shall be omitted.

24. *Amendment of section 52.*—In section 52 of the principal Act,—

(i) in the heading, the words "Election of" shall be omitted;

(ii) in sub-section (1), the words "or deemed to be elected" shall be omitted;

(iii) in sub-section (2),—

(a) for the words "twenty-five", the word "ten" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(c) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(iv) in sub-section (3), for the word "Collector", the word "Director" shall be substituted;

(v) in sub-section (4),—

(a) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(vi) in sub-section (5) and in any other section, for the words "Vice President" wherever they occur, the words "Vice Chairperson" shall be substituted;

(vii) in sub-section (8),—

(a) for the word "Collector", the word "Director" shall be substituted;

(b) for the words "twenty-five", the word "ten" shall be substituted.

25. *Amendment of section 54.*—For section 54 of the principal Act, the following shall be substituted, namely:—

"54. *Resignation of Chairperson.*—A Chairperson may resign his office by tendering his resignation in writing under his hand addressed to the Director and such resignation shall take effect on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Director."

26. *Amendment of section 56.*—In section 56 of the principal Act,—

(a) in clause (a) of sub-section (2), for the word "Collector", the word "Director" shall be substituted;

(b) in sub-section (4), the proviso shall be omitted.

27. *Amendment of section 57.*—In sub-section (3) of section 57 of the principal Act, for the word "Collector", the word "Director" shall be substituted.

28. *Amendment of section 59.*—In clause (e) of sub-section (1) of section 59 of the principal Act,—

(a) the words "or the Collector" shall be omitted;

(b) the words "the Collector" shall be omitted.

29. *Amendment of section 69.*—For section 69 of the principal Act, the following shall be substituted, namely:—

"69. *Limits of powers of Committees in respect of financial sanction.*—The powers of financial sanctions of the Standing Committee and the Subjects Committees of Councils of different classes of municipal areas shall not exceed the limits indicated in columns 2 and 3 of the table given below:—

Class of municipal area	Limit of financial sanctions in respect of	
	Standing Committee	Subjects Committee
1	2	3
	Rupees	Rupees
A	10 Lakhs	2 Lakhs
B	6 Lakhs	1,20,000
C	4 Lakhs	80,000

30. *Amendment of section 71.*—In sub-section (2) of section 71 of the principal Act,—

(a) the figure and words "and the Collector of each district," shall be omitted;

(b) the words "or the Collector" shall be omitted.

31. *Amendment of section 72.*—In clause (b) of sub-section (5) of section 72 of the principal Act, for the word and figures "Rs. 225/-", the words and figures "Rs. 1650" shall be substituted.

32. *Amendment of section 73.*—In sub-section (2) of section 73 of the principal Act, for the word and figures "Rs. 120/-", wherever they occur, the words and figures "Rs. 1400" shall be substituted.

33. *Amendment of section 76.*—In sub-section (4) of section 76 of the principal Act, for the words and figures "Rs. 120/-", the word and figure "Rs. 1400" shall be substituted.

34. *Amendment of section 85.* — In section 85 of the principal Act, —

(i) in sub-section (1) and in any other sub-sections, for the word "Collector" wherever it occurs, the word "Director" shall be substituted; and

(ii) in sub-section (3), for the word "Deputy", the word "Additional" shall be substituted.

35. *Amendment of section 104.* — In clause (a) of section 104 of the principal Act, for the figures "1939", the figures "1988" shall be substituted.

36. *Insertion of section 142A.* — After section 142 of the principal Act, the following shall be inserted, namely:—

"142A. *Assignment of certain taxes, etc.* — The Government shall, —

(a) assign to the Council, such taxes, duties, tolls and fees levied and collected by the Government for such purposes and subject to such conditions and limits as may be prescribed;

(b) provide for making such grants-in-aid to the Council for the Consolidated Fund of the State as may be determined from time to time by an order published in the Official Gazette."

37. *Insertion of new section 143A.* — After section 143 of the principal Act, the following shall be inserted, namely:—

"143A. *Finance Commission.* — (1) The Finance Commission as constituted under section 200 of the Goa Panchayat Raj Act, 1993 shall have power to review the financial position of all Councils in the State from the date of commencement of the Goa Municipalities (Amendment) Act, 1993 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Councils and to make recommendation to the Government as to, —

(a) the principles which should govern —

(i) the distribution between the State and the Councils and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between them of their respective share of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Councils;

(iii) the grants-in-aid to the Councils from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Council;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Council.

(2) The Finance Commission shall determine its procedure.

(3) The Commission shall have the following powers in the performance of its functions, namely:—

(a) to call for any record from any officer or authority;

(b) to summon any person to give evidence or produce records;

(c) such other power as may be prescribed.

(4) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereof to be laid before the State Legislature.

38. *Insertion of new sections 184F and 184G.* — After section 184E of the principal Act, the following shall be inserted, namely:—

"184F. *Preparation of development plan.* — Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 184G.

184G. *District Planning Committee.* — (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Councils in the district as a whole.

(2) The District Planning Committee shall consist of, —

(a) members of the House of the People who represent the whole or part of the district;

(b) the members of the Council of States who are registered as electors in the district;

(c) the Chairman of the Council having jurisdiction over the headquarters of the district;

(d) such number of persons, not less than one-third of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Councils in the district, in proportion to the ratio between the population of the urban area in the district.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the Secretary of the Committee.

(5) The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.

(6) The District Planning Committee shall consolidate the plans prepared by the Councils in the District and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan, —

(a) have regard to, —

(i) the matters of common interest between the Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Government may, by order, specify.

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such committee to the Government”.

39. *Amendment of section 281.*—In section 281 of the principal Act,—

(i) in sub-section (4),—

(a) for the figure “248”, the figure “257” shall be substituted;

(b) for the figure ‘1898’, the figures and words “1973 (Central Act 2 of 1974)” shall be substituted; and

(c) the figures and words “V of 1898” shall be omitted;

(ii) in sub-section (5), for the figure “1898”, the figures and words “1973 (Central Act 2 of 1974)” shall be substituted.

40. *Amendment of section 300.*—In section 300 of the principal Act, after sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the Council shall be given a reasonable opportunity of being heard before its dissolution.”.

41. *Amendment of section 302.*—In section 302 of the principal Act,—

(i) after the words “shall be re-established” and before the words “on such date”, the words “within six months of its dissolution” shall be inserted;

(ii) after section 302, the following shall be inserted, namely:—

“Provided that where the remainder of the period for which the dissolved Council would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Council for such period.”.

42. *Insertion of new section.*—After section 302 of the principal Act, the following shall be inserted, namely:—

“302A. Duration of Council constituted upon dissolution.—A Council constituted upon the dissolution of a Council before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Council would have continued during its full term of five years.”

43. *Amendment of section 321.*—In clause (b) of sub-section (2) of section 321 of the principal Act,—

(a) for the figure “1898”, the figures and words “1973 (Central Act 2 of 1974)” shall be substituted; and

(b) the figures and words “V of 1898” shall be omitted.

44. *Insertion of new sections.*—After section 322 of the principal Act, the following shall be inserted, namely:—

“322A. Powers for preparation of plans etc.—The Council shall prepare plans for economic deve-

lopment and social justice and perform the functions and implement schemes as may be entrusted to it including those in relation to the matters listed in the X Schedule.

322B. Constitution of Development Committee.—(1) Every Council shall constitute a Development Committee consisting of such number of members not exceeding seven as may be prescribed.

(2) The Committee constituted shall carry out responsibilities as may be prescribed including those in relation to the matters listed in the X Schedule.”.

45. *Amendment of section 325.*—In section 325 of the principal Act,—

(i) in clause (d) of sub-section (1), for the words and figure “Goa, Daman and Diu Village Panchayat Regulation, 1962”, the words and figure “Goa Panchayat Raj Act, 1993” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (b), after the word and figure “area;”, the word “or” shall be inserted;

(b) clause (d) shall be omitted;

(c) the following shall be omitted, namely:—

“(e) a municipal area is split up into two or more municipal areas”;

(d) for sub-clause (i), the following shall be substituted, namely:—

“(i) in a case falling under clause (a) or (b), all relevant provisions of this Act shall apply and all rules, bye-laws, orders, notifications, directions issued and in force in the municipal area at the time of inclusion of such area shall apply to the area or areas so included.”;

(e) sub-clause (ii) shall be omitted.

(f) sub-clauses (iv) and (v) shall be omitted.

(g) in sub-clause (xii), for figures and letter ‘(e)’, the figures and letter ‘(c)’ shall be substituted;

(iii) in sub-section (4),—

(a) in clause (a),—

(i) the words “or municipal administrators appointed or” shall be omitted;

(ii) the figures and words “(ii) or (iv)” shall be omitted;

(b) for clause (b), the following shall be substituted, namely:—

“(b) The Councillors of the Council in whose case there is an interim increase in their number, shall, notwithstanding the expiry of the term for which they may have been elected, continue in office for the area concerned, until immediately before the first meeting of the new Council or Councils, as the case may be.”;

(c) in clause (c), the words "or Municipal Administrators" shall be omitted.

46. *Omission of section 333.* — Section 333 of the principal Act shall be omitted.

47. *Insertion of Schedule.* — After Schedule IX of the principal Act, the following shall be inserted, namely:—

"SCHEDULE X

(See Section 322A)

1. Urban Planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Roads and bridges.
4. Urban forestry, protection of the environment and promotion of ecological aspects.

5. Slum improvement and upgradation.

6. Provision of urban amenities and facilities such as parks, gardens, playgrounds.

7. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.

8. Cattle pounds; prevention of cruelty to animals.

9. Vital statistics including registration of births and deaths.

10. Public amenities including street lighting, parking lots, bus stops and public conveniences.

11. Regulation of slaughter houses and tanneries."

Secretariat Annexe,
Panaji,

Dated: 31-5-1994.

B. S. SUBBANNA,

Secretary to the Government of Goa.
Law Department (Legal Affairs).